

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 6, 2015**

COMMISSIONERS PRESENT:

Janet K. Lowder, Chairman
Tony Dennis, Vice Chairman
Peter Ascitutto
Joseph Burleson
T. Scott Efird
Bill Lawhon
Gene McIntyre

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

Andy Lucas, County Manager
Jenny Furr, County Attorney
Tyler Brummitt, Clerk

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, July 6, 2015 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Lowder called the meeting to order with Commissioner McIntyre giving the invocation and leading the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Chairman Lowder requested the Vehicle Tax Refund Report for June 2015 be added to the consent agenda as item # 10(F). Commissioner McIntyre moved to approve the agenda as amended and was seconded by Vice Chairman Dennis. Motion passed by unanimous vote.

ITEM # 1 – PLANNING & ZONING – PUBLIC HEARING FOR REZONING REQUEST ZA 15-03 FOR STRATA SOLAR, LLC

Presenter: Michael Sandy, Planning Director

Commissioner Burleson submitted a request to be excused from voting due to a conflict of interest. Commissioner McIntyre moved to approve the request and was seconded by Vice Chairman Dennis. Motion carried by a 6 – 0 vote.

Mr. Sandy stated that applicants Strata Solar, LLC on behalf of Jed and Bonnie Brooks and Randy D. Sells, have requested to rezone portions of the following two (2) adjacent properties from RA to RA-SEPGS Overlay District: a 19.87 acre portion of a 44.25 acre tract (Tax Record 26819) and an 11.60 acre portion of a 49.79 acre tract (Tax Record 26822). The purpose of the request will be to use these properties for a solar farm. The case was forwarded with a favorable recommendation by the Planning Board.

Chairman Lowder declared the public hearing open. Attorney Tom Terrell came forward to address the Board on behalf of the landowners and Strata Solar, LLC in favor of the request. Also in attendance were Louis Iannone, Manager and Jim Haley, Engineer for Strata Solar to answer any technical questions.

With no one else coming forward, the public hearing was closed.

By motion, Commissioner Lawhon moved to approve rezoning request ZA 15-03 and was seconded by Vice Chairman Dennis. Motion carried unanimously.

ITEM # 2 – PUBLIC HEARING FOR A NO WAKE ZONE FOR LAKE TILLERY COVE AND APPROVAL OF A RESOLUTION OF SUPPORT

Presenter: Andy Lucas, County Manager

The Board conducted a public hearing to receive comments concerning the submission of an application to the NC Wildlife Resources Commission to request the cove area adjacent to Haven Cove Road and Strand Drive be designated as a No Wake Zone. Additionally, a resolution of support for the application was included for consideration as well.

Chairman Lowder declared the public hearing open. Mr. Mike Laton, who had previously addressed the Board during the June 4th budget workshop, came forward to speak in favor of the designation and to present a petition signed by his neighbors in support of the request. Mr. Laton also offered to pay for the buoy if the designation is approved. With no one else coming forward, the hearing was closed.

By motion, Vice Chairman Dennis moved to approve the resolution as presented. His motion was seconded by Commissioner McIntyre and passed by unanimous vote.

See Exhibit A
Resolution of the Board of County Commissioners of Stanly County

ITEM # 3 – CENTRALINA WORKFORCE DEVELOPMENT CONSORTIUM AGREEMENT

Presenter: David Hollars, Executive Director for Centralina Workforce Development

Mr. Hollars was present to request Board approval of the agreement which has been updated to reflect receipt of funds under the new Federal Workforce Innovation and Opportunity Act (WIOA). The WIOA law requires the agreement to be updated, approved/signed by each county board of commissioners and in place for workforce services provided by the Consortium and Centralina Workforce Development Board in the region.

With no questions from the Board, Commissioner McIntyre moved to approve the revised agreement and was seconded by Commissioner Ascitto. Motion carried with a 7 – 0 vote.

See Exhibit B

Articles of Association and Agreement for the Centralina Workforce Development Consortium

ITEM # 4 – UTILITIES – APPROVAL OF CONSTRUCTION PROJECT ORDINANCES & BUDGET AMENDMENTS FOR THE WEST STANLY WWTP REHABILITATION PROJECT AND THE AIRPORT ROAD CORRIDOR WASTEWATER COLLECTIONS SYSTEM PROJECT

Presenter: Donna Davis, Utilities Director

Stanly County has received funding for the following two (2) construction projects: the West Stanly Wastewater Treatment Plant / McCoy Creek Pump Station Rehabilitation Project and the Airport Road Corridor Wastewater Collections System Project. Board approval was requested for the project ordinances and associated budget amendments in order to create the project funds for each.

Vice Chairman Dennis moved to approve both project ordinances and budget amendments #2016-02 and #2016-03. His motion was seconded by Commissioner Burleson and passed by unanimous vote.

ITEM # 5 - STANLY COMMUNITY COLLEGE (SCC) COSMETOLOGY FACILITY MEMORANDUM OF UNDERSTANDING (MOU)

Presenter: Andy Lucas, County Manager

Commissioner Lawhon requested to be excused from voting due to a conflict of interest. Commissioner McIntyre moved to approve his request and was seconded by Commissioner Burleson. Motion carried with a 6 – 0 vote.

The County Manager presented the MOU as a means to outline a collaborative agreement between the community college and the County for the construction and financing of the

cosmetology facility. In addition to approving the agreement, it was also requested the Board authorize staff to negotiate any necessary changes to the MOU in the best interest of the County.

Vice Chairman Dennis moved to approve the agreement and authorize staff to negotiate any necessary changes on behalf of the County. His motion was seconded by Commissioner Asciutto and the motion passed by unanimous vote.

See Exhibit C
Memorandum of Understanding
between
Stanly Community College,
an educational institution operating under the
provisions of Chapter 115D of the
North Carolina General Statutes,
and
County of Stanly,
a body politic and corporate

ITEM # 6 – BOARD & COMMITTEE APPOINTMENTS

Presenter: Andy Lucas, County Manager

A. Stanly County Convention & Visitors Bureau (CVB)

Due to the recent resignation of CVB member Mr. Wayne Cole, it was requested the Board appoint a replacement to serve the remaining two (2) years of his unexpired term as a County representative.

By motion, Vice Chairman Dennis moved to appoint Mrs. Ashley Smith to complete Mr. Cole's unexpired term from July 1, 2015 – June 30, 2017. The motion was seconded by Commissioner Burleson and carried with a 7 – 0 vote.

B. Stanly County Farm Service Agency

At the request of the Farm Service Agency, the Board selected Mr. Don Brooks as a nominee for the LAA II which includes the Almond, Endy and Furr Townships. Mr. Curtis Furr has served in this position for the past nine (9) years which is the maximum term limit allowed and is ineligible to serve again.

Commissioner Burleson moved to nominate Mr. Don Brooks for the Farm Service Agency Board LAA II area. The motion was seconded by Vice Chairman Dennis and passed by unanimous vote.

C. Cardinal Innovations Oversight Board

Due to current board member Dale Poplin's term expiring June 30, 2015, it was requested the Board appoint/reappoint a member to the Oversight Board for a three (3) year term from July 1, 2015 – June 30, 2018.

Vice Chairman Dennis moved to reappoint Mr. Dale Poplin and was seconded by Commissioner Asciutto. Motion carried with 7 – 0 vote.

ITEM # 7 – VOTING DELEGATE FOR THE NCACC ANNUAL CONFERENCE

Presenter: Andy Lucas, County Manager

By motion, Commissioner McIntyre moved to select Commissioner Asciutto as the voting delegate for the NCACC Annual Conference and himself as the alternate delegate. The motion was seconded by Commissioner Asciutto and passed by unanimous vote.

ITEM # 8 – UTILITY PROJECTS AND FIBER CONDUIT INSTALLATION

Presenter: Commissioner Lawhon

After the recent announcement of several upcoming water projects, Commissioner Lawhon stated that Mrs. Dawn Melton approached him regarding the possibility of the County installing fiber composite conduit in future water and sewer projects during the construction phase. Commissioner Lawhon stated his support in doing so if it is feasible and not cost prohibitive and opened the floor for further discussion.

Commissioner Asciutto thanked Commissioner Lawhon for presenting this item for discussion and noted the importance of Broadband for future development.

Commissioner Burleson spoke in support of the installation of fiber optic conduit on a case-by-case basis depending on where it is being installed and if it makes sense to do so at the time.

The item was for discussion only and required no action.

ITEM # 9 – SHERIFF'S OFFICE BUDGET DISCUSSION

Presenter: Commissioner Asciutto

Chairman Lowder turned the proceedings over to Vice Chairman Dennis in order to allow her to participate in the discussion. Vice Chairman Dennis introduced the agenda item and requested Sheriff Burris come forward to answer questions from the Board.

Commissioner Asciutto noted the item was placed on the agenda at his request to allow for discussion of recent departmental purchases made by the Sheriff. He noted that although the County Manager and Finance Director had previously met with the Sheriff to explain the County's financial procedures and policies, the Sheriff has continued to make unauthorized purchases. Commissioner Asciutto felt the issue needed to be addressed in open session since it cannot be discussed in closed session without violating the open meetings laws. Commissioner Asciutto noted several examples of recent invoices presented for payment that were either previously denied or requested to be delayed until next fiscal year. He then opened the floor for further discussion and comments.

Chairman Lowder noted her concerns with Sheriff Burris' disregard for County finance policies and procedures and the importance of having them in place as an integral part of the County's operations. After providing specific examples of recent purchases, she then requested the Sheriff address the Board's concerns as well as the taxpayers of the County.

Commissioner Burleson stated that the comments made by Commissioner Asciutto and Chairman Lowder represent a political stance since each had supported another candidate for Sheriff during the last election, and felt it this should have been handled internally rather than in the public realm.

Commissioner Lawhon noted the need to focus on positive things rather than the negative. He then urged the Sheriff to follow the County's procedures and to contact the County Manager or Finance Director for further clarification if needed, and encouraged better communication between the two offices in the future. Lastly, he thanked the Sheriff and law enforcement for the great job they are doing in policing the County.

Commissioner McIntyre agreed with Commissioner Burleson's comments stating this was a communication issue between the Sheriff and County Manager that should have been handled differently and encouraged both to continue with open lines of communication.

In response, Sheriff Burris thanked the Board for allowing him to speak and for the comments he had received thus far from individual Board members. He stated that as Sheriff, in addition to upholding all the laws of North Carolina and serving the people of Stanly County, he intends to provide office personnel with the best possible training and equipment necessary. He then noted that overall the office came in \$66,000 under budget for the year and explained the process of how invoices and purchase orders are handled by office personnel. Sheriff Burris pledged to maintain open lines of communication with the County Manager to avoid similar

issues in the future and to adhere to county policies and procedures more closely. He also thanked the Board for the \$50,000 approved for new uniforms and gear earlier this year.

Vice Chairman Dennis turned the proceedings back over the Chairman Lowder.

ITEM # 10 – CONSENT AGENDA

Presenter: Chairman Lowder

- A.** Minutes – Regular meeting of June 1st and budget workshops of June 4th and 11th, 2015
- B.** Planning & Zoning – Request approval of the contract to allow the County to administer the Abandoned Manufactured Housing ordinance for the Town of Richfield
- C.** SCUSA Transportation – Request approval of the updated Title VI policy
- D.** Finance – Request acceptance of the Monthly Financial Report for Eleven Months Ended May 31, 2015
- E.** Finance – Request approval of budget amendment # 2016-01 to create Fund #240 for the 2014 Single Family Rehabilitation grant
- F.** Finance – Request approval of the NC Vehicle Tax Refund Report for June 2015.

By motion, Vice Chairman Dennis moved to approve the consent agenda as presented. His motion was seconded by Commissioner Burleson and carried with a 7 – 0 vote.

PUBLIC COMMENT

Mr. Joel Thomas of Oakboro stated that after attending several County Commissioners and School Board meetings, he is appalled by the dirty politics taking place in the county and his distaste with recent comments in the newspaper related to the Sheriff.

GENERAL COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Ascuitto thanked everyone for coming and for their comments. He also noted that during a recent visit to Florida, he learned that South Florida State College has a culinary program similar to the one Stanly Community College would like to implement. He plans to forward a link with this information to representatives in Raleigh for their further review and consideration.

Commissioner Lawhon reported that he, EDC Director Paul Stratos and Commissioner Efird met with CEO Paul Kaufman of Craftsman in Albemarle recently to tour the facility and learn more about the company's future plans. The company will manufacture goose neck trailers with plans to open a retail sales lot and parts dept at that location as well. Plans are to open this fall with a commitment of 20 jobs and hopes to ultimately create 100 jobs. Commissioner Lawhon wished the company much success going forward.

Vice Chairman Dennis stated his support of the County Manager noting his hard work in helping the County through tough economic times. He also thanked the Sheriff for his comments and reiterated the need to focus on more positive issues going forward.

Commissioner Burleson agreed with Commissioner Lawhon's comments to focus on the positive to help move Stanly County forward. He also reiterated Vice Chairman Dennis' comments stating the County Manager does a great job and believes he was caught in the crossfire of a political stunt. He then congratulated Dennis Souther, Karmen Mock-Phillips and Lisa Burris on their appointment to the Board of Elections.

Commissioner Efird stated his appreciation of the dialogue between the Board and Sheriff. As Commissioner appointed to the Airport Authority, he provided statistics related to the number of flights in and out of the airport for the month of June. As Fire District Chair, he stated that the recent Oakboro 4th of July celebration is one of the primary fundraisers for the Oakboro Fire Department each year and thanked everyone for their continued support of the local fire departments.

ADJOURN

Commissioner Lawhon moved to adjourn the meeting and was seconded by Vice Chairman Dennis. The motion passed unanimously at 8:21 p.m.

Janet K. Lowder, Chairman

Tyler Brummitt, Clerk